

REMARKS

Claims 1-21 are pending in the present application.

It is noted with appreciation that the previous rejection has been withdrawn by the Examiner in response to the Request for Reconsideration filed on December 28, 2005.

Applicants appreciate the time taken by Examiners Kalinowski and Kramer on May 2, 2006, to discuss the independent claims and the applied prior art references. During the interview, as more fully explained below, it was pointed out that the Forsythe et al. patent discloses an advertising brokering system and also does not include a revenue maximization system. The system disclosed in the Forsythe patent merely finds willing suppliers of advertising units to advertisers willing to purchase the advertising units available for media providers as shown in Figure 1 of the Forsythe patent.

In the discussion of the Forsythe patent, it was pointed out to the Examiner's Supervisor that Forsythe does not teach a revenue maximization system. In addition, Forsythe does not concern an inventory control system as recited in Applicants' independent claims. The claimed revenue maximization system is for the seller and owner of the advertising, not for a broker of the advertising.

It was also pointed out that claims 8 and 11 are method claims and that these recite additional features. Therefore, for complete examination claims 8 and 11 must be addressed in a detailed rejection or allowed.

Claims 1-21 were rejected under 35 U.S.C. §103(a) as being unpatentable over Forsythe et al. in view of Hotz patents. In the rejection, the Forsythe patent is relied on to disclose all of the features recited in the claims except the claimed

performance measurement system. The Hotz patent allegedly discloses the performance measurement system.

More specifically at page 2 of the Office Action, it is alleged that the Forsythe patent discloses at column 1, lines 33-39 and column 2, lines 17-37, a revenue maximization system which determines a price for units of inventory based on predetermined pricing considerations, wherein said units are advertising opportunities. However, column 1, lines 33-39, recites that the media outlets have access to analytical data to evaluate the efficiencies of the advertising to determine particular cost-per-spot for an advertising unit. A cost-per-spot represents the cost to the media outlet for providing the available unit or spot of the advertising inventory to an advertiser. As applied in the system disclosed in the Forsythe patent, the cost-per-spot is merely the price of advertising to the media outlet, and this information is not disclosed in the brokering system of the Forsythe patent. Cost-per-spot does not represent a price determined by a revenue maximization system for the units of inventory as recited in the pending claims.

Column 2, lines 17-37 of the Forsythe patent disclose several different software products available for analyzing the pricing and effectiveness of broadcast media advertising for advertising agencies. The software programs develop what is known as a "cost-per-point" (See Col. 4, lines 48-53 of Forsythe), which is substantially different from the cost-per-spot discussed above. The Forsythe et al. patent discloses at column 4, lines 49-53, that the cost-per-point is the cost of achieving a number of impressions equivalent to 1% of the population in a given demographic group and is calculated by dividing the cost of schedule by the gross rating points. Cost-per-point is also the average cost of 1 gross rating point in a

given schedule. This too does not represent or suggest determining price by a revenue maximization system for the advertising units of the present claims.

As can be seen in the background discussion at column 3 of the Forsythe patent, the Forsythe patent is directed to providing direct advertisers (i.e., advertising buyers) with a method and system for selecting and purchasing traditional media advertising over the Internet. It is generally directed to expanding the advertiser's media outlet choices. The system described in the Forsythe patent will now be described with reference to Figure 1. The advertiser, who is the buyer, provides certain criteria as illustrated in Figures 8a-8d to the brokering system 100. The brokering system 100 forwards a rate request to media outlets 103 that subscribe to the brokering system 100. After evaluating the advertiser/buyer 101 data, the media outlet wishing to accommodate the advertiser/buyer 101 sends back applicable rates 124. The brokering system 100 will then convert the applicable rates suggested by the media outlet into a chart for the advertiser/buyer 101 evaluation of the supplied rates as well as the advertisers/buyers data that was previously input. Figure 9 illustrates the simplified broadcast system at a certain cost-per-point, and will tell the advertiser/buyer the market average as well as the efficiency of the advertisement.

In contrast, Applicants' system is directed to an inventory management system, which manages the advertising opportunities owned by the seller or manager of the system. The claimed system does not involve a brokering system as does the system disclosed in the Forsythe patent. As shown in Figure 1, Applicants' enterprise data mart central information storage system 110 receives input from a performance measurement subsystem 170, a rate management subsystem 160 including a revenue maximization system, an enterprise traffic and accounts

receivable system 190 as well as local traffic and billing system 180. Using the information gathered and/or generated by these subsystems, the central information storage system generates scenarios, wherein various combinations of advertising inventory units are grouped together to meet a buyer's criteria.

As disclosed in paragraphs [0056] through [0073] of Applicants' specification describing the revenue maximization system 180 shown in Figure 3, the revenue maximization system takes into account the advertising sellers consideration for selling the advertising units at a price that would maximize the revenue to the seller of the advertising unit. Dependent claims 5, 6 and 7 further recite features of the revenue maximization system that are not disclosed or suggested by the Forsythe et al. patent whether viewed alone or in combination with the Hotz patent.

Independent claims 8 and 11 recite features that are neither disclosed nor contemplating by the Forsythe patent or the Hotz patent. For example, independent claim 8 recites, among other features, obtaining the history of the buyer with respect to purchases of like units, if any; obtaining available inventory information; and obtaining prices for said units from a revenue maximization system based on at least said history and available inventory. The Forsythe patent does not disclose obtaining the history of the buyer with respect to purchases of like units, if any, nor does the Forsythe patent disclose obtaining available inventory information and obtaining prices for said units from a revenue maximization system based on at least said history and available inventory. At best, the system disclosed in the Forsythe patent can only obtain information about inventory based on the narrow request for inventory that a buyer wishes to purchase.

In addition, the Forsythe patent does not disclose or suggest generating at least two scenarios comprising a plurality of units based on said criteria obtained from said buyer, wherein the buyer's criteria includes a number of people and frequency people that will be exposed to the advertisement units and, wherein said at least two scenarios meet the buyer's criteria and reflect said available inventory and said prices.

As for independent claim 11, the Forsythe patent does not disclose or suggest, among other features, setting appropriate filters to filter out media within the selected markets using criteria selected from a group consisting of demographics, psycho graphics and media type.

Independent claim 12 recites a performance measurement system for measuring performance of a medium selected from a group consisting of radio, television, and print, in which units of advertisements are used. The Forsythe patent does not disclose or suggest measuring performance of a medium selected from a group consisting of radio television and print as recited in independent claim 12. Nor does the Forsythe patent disclose the revenue maximization system previously addressed which is also recited in claim 12.

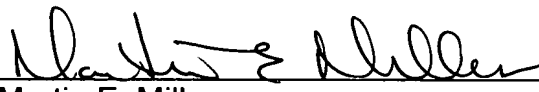
In an attempt to make up for these deficiencies, the Office Action asserts that the Hotz patent discloses or suggests the features not taught by the Forsythe patent. However, neither the Forsythe patent nor the Hotz patent disclose or suggest, individually or in combination, all of the features recited in the independent claims. Therefore, it is respectfully submitted that the claims 1-21 are in condition for allowance and notification to that effect is respectfully requested.

Should any questions arise in connection with this application, or should the Examiner believe a telephone conference would be helpful in resolving any remaining issues pertaining to this application, the undersigned respectfully requests that he be contacted at the number indicated below.

Respectfully submitted,

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